

REMARKS / ARGUMENTS

I. General Remarks

Please consider the application in view of the following remarks. Applicants thank the Examiner for her careful consideration of this application.

Applicants respectfully request that the amendments presented herein be entered, and further request consideration of the claims in light of the amendments and remarks contained herein.

II. Disposition of the Claims

Claims 1–12, 15–28, 31–44, 47, and 48 are pending in this application. Claims 1–12, 15–28, 31, and 32 are allowed. Claims 33, 34, 37–44, and 48 are rejected. Claims 35, 36, and 47 are objected to.

Claims 1, 4, 17, 20, 33, and 36 are amended herein. Claim 35 is cancelled herein. These amendments are supported by the specification as filed. Applicants note that the amendments made to allowed claims 1, 4, 17, 20 only correct formal matters in the claims, and respectfully submit that these claims are still allowable as amended herein. Applicants respectfully request that the above amendments be entered and further request reconsideration in light of the amendments and remarks contained herein.

III. Allowable Subject Matter.

Applicants note with appreciation the Examiner's indication that claims 1–12, 15–28, 31, and 32 are allowed. Applicants note that Claims 35, 36 and 47 are not rejected. Thus, Applicants believe that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note that the amendments made to claim and 36 only correct formal matters in the claim, and respectfully submit that this claim is still allowable as amended herein. Because Applicants have overcome the rejection of base claim 33 in this response, Applicants respectfully submit that claims 36 and 47 are now in condition for allowance, and request the withdrawal of the objections thereto.

IV. Remarks Regarding Examiner's Objections to the Amendments to the Claims

In the Advisory Action, the Examiner also refused to enter the amendments as presented in the April 3, 2007 Response on the grounds that the "ammendment to claim 33 to teach 'two different alkyl substituents' and viscosifying properties would result in new rejections under 35 US 103, and thus result in further consideration and search." (See Advisory Action at ¶ 3 "NOTE".) Therefore, Applicants respectfully request that the Examiner now enter Applicant's proposed amendments to the claims, as presented herein, and consider the remarks presented in his April 9, 2007 Response, as presented in this RCE and Response.

V. Remarks Regarding Rejections Under 35 U.S.C. §§ 102, 103

Claims 33, 34, 38-41, 43, and 48 stand rejected under 35 U.S.C. §§ 102, 103 as anticipated and/or obvious in view of Sjoström et al., "Simple Gel Swelling Experiments distinguish between Associating and Nonassociating Polymer--Surfactant Pairs," *Langmuir*, Volume 17, pages 3836-3843 (2001) ("*Sjoström*"); Rosen et al., "Responsive Polymer Gels Based on Hydrophobically Modified Cellulose Ethers and Their Interactions with Ionic Surfactants," *Langmuir*, Volume 14, pages 5795-5801 (1998) ("*Rosen*"); and U.S. Publication No. 2003/0180466 to Rohrbaugh et al. ("*Rohrbaugh*").

Independent claim 33 has been amended to include all of the limitations of dependent claim 35 (now cancelled) and any intervening claims. As the Examiner has not issued a rejection of dependent claim 35, Applicants assume that former claim 35 would have been allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, Applicants believe that claim 33, as amended herein, is allowable for at least the same reasons. Claims 34, 38-41, 43, and 48 also depend from claim 33, and thus these dependent claims incorporate the limitations of amended claim 33. Therefore, Applicants submit that claims 34, 38-41, 43, and 48 are allowable, for example, for reasons similar to that discussed above with respect to claim 33. As such, the rejections of claims 33, 34, 38-41, 43, and 48 are moot, and Applicants respectfully request that the rejections of claims 33, 34, 38-41, 43, and 48 be withdrawn.

VI. No Waiver.

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the *Sjoström*, *Rosen*, and *Rohrbaugh* references. Other distinctions may exist, and Applicants

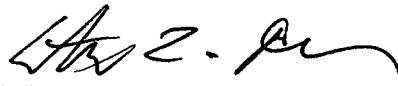
reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the rejections.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due with this response. Should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a petition therefor, and direct that any additional fees be charged to Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.0936.

Respectfully submitted,



Elizabeth L. Durham
Registration No. 59,509
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana
Houston, TX 77002
Telephone: 713.229.2104
Facsimile: 713.229.7704
Email: liz.durham@bakerbotts.com

Date: May 16, 2007